

Veterans Benefits: Federal Employment Assistance

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Summary

There are federal employment and training programs and policies specifically targeted to help veterans seeking employment in the civilian economy. Transition assistance programs are operated by the Department of Defense (DOD), the Department of Veterans Affairs (VA), and the Department of Labor (DOL) to assist servicemembers as they prepare to leave the military. DOL operates grant programs to states to provide outreach and assistance to veterans in finding civilian employment. In addition, the federal government has policies (including veterans preference) that assist veterans in obtaining jobs with the federal government and federal contractors.

P.L. 112-56 makes several changes to the Transition Assistance Program (TAP) for separating servicemembers and permits a servicemember who is within 120 days of separation from military service to be certified as a preference eligible for federal employment.

This report provides a brief overview of these federal programs and policies. This report will be updated as needed.

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Veterans may participate in the general employment and training programs open to everyone seeking jobs, or in certain programs targeted specifically to veterans.¹ In addition, the federal government has a policy of assisting veterans in employment through the use of preferences in federal employment, and requirements for affirmative action in the hiring of veterans by federal contractors. This report will provide an overview of these federal employment and training programs targeted to veterans, and federal policies to assist veterans in obtaining federal employment.²

When Is a Discharged Servicemember Classified as a “Veteran” for the Purposes of VA Benefits?

Not all discharged servicemembers are considered “veterans” for the purposes of the Department of Veterans Affairs (VA) benefits and programs. In order to be eligible for most VA benefits, it is necessary for the discharged servicemember to be classified as a “veteran,” or in some circumstances, the survivor of a veteran.

Federal statutes define “veteran” as a “person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” [38 U.S.C. §101(2); 38 C.F.R. §3.1(d)]. The VA largely bases its determination of veteran status upon military department service records. In addition to the member’s service records, other factors impact his/her classification as a “veteran” and may impact future benefits. These factors include

- Discharge criteria:* (38 U.S.C. §101(2); 38 C.F.R. §3.1(d)).
- Active military, naval or air service:* (38 U.S.C. §101(2); 38 C.F.R. §3.1(d)).
- Whether the service was during “time of war:”* (38 U.S.C. §101(6)-(11); 38 C.F.R. §3.2).
- Length of duty requirement:* (38 U.S.C. §101(6)-(11); 38 C.F.R. §3.2).

After it has been proved that the discharged servicemember meets these criteria, he/she is considered to be a “veteran” and may be eligible for certain benefits relating to health care, education, and other services which are provided by the VA.

(Information provided by Douglas Reid Weimer, Legislative Attorney, American Law Division, CRS.)

Cash Assistance

Part of the Servicemen’s Readjustment Act of 1944 (The GI Bill, P.L. 78-346) provided a cash allowance for returning unemployed veterans. This was provided because, at the time, veterans were not eligible for unemployment compensation. However, because of a combination of factors, including the strong economic growth shortly after World War II and the GI Bill’s education and training benefits, few veterans took advantage of the cash assistance program.

There is currently no system to provide a cash allowance to veterans seeking civilian employment although veterans are eligible for unemployment compensation, which provides partial replacement of lost cash wages.³

¹ This report does not address federal employment and training programs open to everyone seeking jobs.

² This paper does not provide information on VA education benefits for veterans. For more information on education benefits for veterans see CRS Report R40723, *Educational Assistance Programs Administered by the U.S. Department of Veterans Affairs*, by Cassandra Dortch.

³ For more information on unemployment compensation for veterans, see CRS Report RS22440, *Unemployment Compensation (Insurance) and Military Service*, by Julie M. Whittaker.

Employment Assistance

The federal government operates programs to assist veterans seeking civilian employment and provides preferences in federal employment for veterans. Outlined below are the major federal programs and policies to assist veterans seeking civilian jobs.

Transition Assistance Programs

The Department of Labor (DOL), in cooperation with the Department of Defense (DOD) and the Department of Veterans Affairs (VA), operates the Transition Assistance Program (TAP) and Disabled Transition Assistance Program (DTAP). Both programs are designed to provide information on employment and training for servicemembers within 180 days of separation from military service, or retirement.⁴

TAP is a three-day workshop conducted at military installations that includes sessions on how to look for jobs, current market conditions (both labor market and occupation-specific information is provided), preparation of job search materials (including resumes), and interview techniques. DTAP adds additional hours to the three-day program focused on the special needs of disabled servicemembers.

In addition to the employment assistance sessions, information is provided on veterans benefits administered by the VA.

P.L. 112-56 makes the following changes to TAP:

- mandatory participation in TAP by all members of the Armed Forces eligible for the program with the following two exceptions: (1) those that the Secretaries of Defense and Homeland Security, in consultation with the VA Secretary and the DOL Secretary, determine are unlikely to face major readjustment, health care, employment, or other transition challenges; and (2) those with specialized skills needed for an imminent deployment.
- the DOL Secretary, in consultation with the VA and the DOD Secretaries, is to enter into a contract for a study to identify equivalences between military training, military occupational specialties (MOS), military experience, and civilian private employment. The study is to be transmitted to Congress and made publicly available on the Internet.
- the DOD Secretary is to ensure that each servicemember participating in TAP receives an individualized assessment of civilian private sector employment positions for which the servicemember may be qualified based on the servicemember's military skills, training, MOS, and the results of the contracted study.
- the VA Secretary is required to enter, before November 21, 2013, into a contract to provide, at each TAP location, the following services to participants: counseling, identifying and applying for employment and training opportunities, assessment of academic preparation for enrollment in education and training programs, and other related or appropriate services (as identified by the VA Secretary).

⁴ For more information on TAP and DTAP programs, see the Department of Labor's TAP Fact Sheet at http://www.dol.gov/vets/programs/tap/tap_fs.htm.

- the VA, DOD, DOL, and Homeland Security Secretaries may enter into contracts with private entities that have experience in assisting members of the Armed Forces to provide TAP instruction on private sector culture (including resume writing, networking, and job search training), academic readiness, and other relevant topics.
- the DOD Secretary and the Secretary of Homeland Security may permit a member of the Armed Forces eligible for the TAP program to participate in an apprenticeship program.
- Before November 21, 2013, the comptroller general shall conduct a review of the TAP and report to Congress on the results of the review and any recommendations to improve TAP.

Veterans State Grants Program

The DOL Veterans' Employment and Training Service (VETS) offers assistance to veterans seeking jobs through the Jobs for Veterans State Grants (JVSG) Program. Under the program, grants are used to fund Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER).⁵ These are state positions, funded by the federal government, that provide outreach and assistance to veterans seeking employment.

DVOP staff in a state are involved in outreach efforts to disabled veterans with greater barriers to employment, who therefore need more intensive services for employment or training. LVER staff help veterans find employment and are involved in outreach to the business community to encourage the hiring of veterans (including disabled veterans).

P.L. 112-56 provides that the DOL Secretary shall award grants, to no more than three organizations, and for no more than two years, to provide training and mentoring for veterans seeking employment. The grant recipients must collaborate with disabled veterans' outreach specialists and local veterans' employment representatives. The DOL Secretary must report to Congress within six months on the process for awarding grants and within 18 months on an assessment of the grant results. The grant program is authorized for \$4.5 million for the FY2012-FY2013 period.

Veterans' Workforce Investment Program

The VETS office also operates the Veterans' Workforce Investment Program (VWIP), a grant program authorized under the Workforce Investment Act (WIA, P.L. 105-220).⁶ Grants may be made to fund programs operated by eligible state and local workforce investment boards, state or local agencies, or private non-profit organizations. The grants are intended to help reintegrate veterans into the civilian labor force; develop service delivery systems that address the needs of veterans entering the civilian workforce; enhance workforce investment activities related to veterans; and perform outreach or public information activities to promote employment of veterans.

In addition to the JVSG Program and the VWIP program, the VETS office in DOL also provides

⁵ For information on LVER and DVOP grants, see the DOL guide to grants at http://www.dol.gov/vets/grants/Final_VETS_Guide-linked.pdf.

⁶ Ibid. (For information on VWIP grants).

- grants under the Homeless Veterans Reintegration Program,⁷ and
- information to veterans and employers on re-employment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, P.L. 103-353).

All VETS activities are required partners in the One-Stop Career Center system established by WIA.⁸

Any workforce development, job training, or placement program funded in part by DOL must provide a priority in services for veterans and eligible spouses. In general, persons covered under the priority of service (veterans and spouses) receive access to services and resources before non-covered persons.⁹

Federal Employment Preferences

The federal government has four policies that provide a preference to veterans: (1) a system of point preference for hiring; (2) special appointment (hiring) authority; (3) affirmative action requirements for federal agencies; and (4) affirmative action requirements for contractors and subcontractors.¹⁰

Point Preference

Veterans are given a federal preference in hiring to prevent an individual from being penalized for having spent time in military federal service. A five-point preference is given to veterans with an honorable or general discharge who served on active duty (not active duty for training):

- during any war;
- during the period April 28, 1952, through July 1, 1955;
- for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;
- during the Gulf War period beginning August 2, 1990, and ending January 2, 1992;
- for more than 180 consecutive days, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last day of Operation Iraqi Freedom; or
- in a campaign or expedition for which a campaign medal has been authorized, such as El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti.

To qualify for a five-point preference, medal holders and Gulf War veterans who originally enlisted after September 7, 1980, or entered on active duty on or after October 14, 1982, without

⁷ For more information on the program, please see CRS Report RL34024, *Veterans and Homelessness*, by Libby Perl.

⁸ Local one-stop service centers can be found online at <http://www.servicelocator.org/>.

⁹ Regulations on the priority of service can be found at <http://www.dol.gov/vets/E8-30166.pdf>.

¹⁰ For federal employment purposes, a veteran is an individual who has active duty service, with minimum length of service requirements, for one of the time periods defined in Title 5, §2108. For more information on federal employment preferences for veterans, see the Office of Personnel Management's VetsInfo Guide at <http://www.opm.gov/veterans/html/vetsinfo.asp>.

having previously completed 24 months of continuous active duty, must have served continuously for 24 months or the full period called or ordered to active duty.

As of October 1, 1980, military retirees at or above the rank of major or equivalent are not entitled to preference unless they qualify as disabled veterans.

A 10-point preference is given to

- honorably separated veterans who qualify as disabled veterans because they have served on active duty in the Armed Forces at any time and have a present service-connected disability or are receiving compensation, disability retirement benefits, or pension from the military or the Department of Veterans Affairs;
- honorably separated veterans who are Purple Heart recipients;
- the spouse of a veteran unable to work because of a service-connected disability;
- the unmarried widow of certain deceased veterans; and
- certain mothers of veterans who died in service or who are permanently and totally disabled.¹¹

P.L. 112-56 provides that a servicemember may be certified as a preference eligible for federal employment if he or she is within 120 days of separation from military service.

Special Appointment (Hiring) Authority

There are three special appointment authorities available to federal government agencies related to veterans: (1) Veterans Recruitment Appointment (VRA); (2) Veterans Employment Opportunity Acts (VEOA); and (3) 30% or More Disabled Veteran (30%).

Veterans Recruitment Appointment (VRA)

The use of a VRA allows agencies to appoint an eligible veteran without competition. The VRA is an excepted appointment to a position that is otherwise in the competitive service. After two years of satisfactory service, the veteran may be converted to a career-conditional appointment in the competitive service.¹²

Once in federal employment, VRAs are treated like any other competitive service employee and may be promoted, reassigned, or transferred. VRA appointees with less than 15 years of education must complete a training program established by the agency. Veterans eligible for a VRA appointment are

- disabled veterans;
 - veterans who served on active duty in the Armed Forces during a war, or in a campaign or expedition for which a campaign badge has been authorized;
 - veterans who, while serving on active duty in the Armed Forces, participated in a U.S. military operation for which an Armed Forces service medal was awarded;
- or

¹¹ To receive the 10-point preference, the mother must be either: (1) married with a husband who is totally disabled; or (2) widowed, divorced, or separated at the time the 10-point preference is claimed (the mother loses the 10-point preference when she remarries). The veteran's mother must, at some point in time, have been married to the veteran's father. Unmarried mothers are not eligible for the preference.

¹² A veteran may be given a noncompetitive temporary or term appointment based on VRA eligibility. These appointments do not lead to career jobs.

- recently separated veterans.

In addition to meeting the criteria above, veterans must have been separated under honorable conditions (i.e., the individual must have received either an honorable or general discharge).

Veterans Employment Opportunity Act (VEOA)

Federal agencies can recruit outside their own workforce, to all competitive service employees, in filling permanent competitive service openings. Veterans are eligible to apply for this type of open position even if not a current competitive service employee if the veteran is a preference eligible or has completed three or more years of active service. The federal government agency can then appoint the veteran using the VEOA appointment authority.

30% or More Disabled Veteran

The 30% or more disabled veteran authority allows a federal government agency to non-competitively appoint any veteran with a 30% or more service-connected disability to a permanent, temporary (one year or less), or term (one to four years) position in the competitive service. For permanent appointments, the veteran is placed in a time limited (60 days maximum) appointment and then converted to permanent at management's discretion.

Affirmative Action: Federal Agencies

Federal agencies must have a separate affirmative action program for disabled veterans as part of agency efforts to hire, place, and advance persons with disabilities under the Rehabilitation Act of 1973 (P.L. 93-112).¹³ Agencies are required to

- provide placement consideration under special noncompetitive hiring authorities for VRAs and veterans with a disability rating of 30% or more;
- ensure that all veterans are considered for employment and advancement under merit system rules; and
- establish an affirmative action plan for the hiring, placement, and advancement of disabled veterans.

Affirmative Action: Contractors and Subcontractors

Contractors and subcontractors with federal contracts in excess of \$100,000 must report to the DOL on efforts to hire veterans in specific categories: disabled veterans, other protected veterans, Armed Forces service medal veterans, and recently separated veterans. Contractors and subcontractors are required to post job openings through state job services or one stop offices, and may post job openings on the federal online service (USAJOBS).¹⁴

Veterans Hiring Initiative

On November 9, 2009, President Obama issued Executive Order 13518, which established a Veterans Hiring Initiative and established a Council on Veterans Employment co-chaired by the Secretaries of DOL and VA. As part of the initiative, the Office of Personnel Management (OPM)

¹³ Each year the Office of Personnel Management (OPM) prepares a report with information on the accomplishments of affirmative action programs for disabled veterans. The OPM reports are available at <http://www.opm.gov/veterans/dvaap.asp>.

¹⁴ The federal online employment service can be found at <http://www.usajobs.com/>.

established a new website—<http://www.fedshirevets.gov>—to provide information for veterans on federal government employment. One of the features of the website is an agency directory providing for each agency, the name, email address, and telephone number of the individual within each agency responsible for promoting veterans' employment within the agency.

P.L. 112-56 provides that the OPM Director shall designate federal executive agencies that will be required to establish a program (coordinated with TAP) to provide employment assistance to separating servicemembers, including employment with the agency, and to promote the recruiting, hiring, training, development, and retention of servicemembers and veterans by the agency.

Other Federal Assistance

The Department of Defense Appropriations Act, 2003 (P.L. 107-248) authorized the DOD to transfer funds to the Center for Military Recruitment, Assessment, and Veterans Employment. The center is a 501(c)(6) organization supported by construction employers and building and trade organizations within the AFL-CIO to help veterans find employment in the construction industry, through operation of the "Helmets to Hardhats" program.¹⁵ The transfer of funds has been done each year since FY2003. The FY2010 transfer was \$3.0 million as provided by the Department of Defense Appropriations Act (P.L. 111-118).

The Department of Education transfers funds to the DOD to provide funding for participants in the "Troops 2 Teachers" Program. The program can provide a stipend of up to \$5,000 for eligible military personnel to obtain certification as an elementary, secondary, or vocational/technical teacher. Instead of the stipend for certification, the program may pay a bonus of up to \$10,000 to participants who teach in a high-poverty school. For FY2010, the funding for the program was \$14 million.

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¹⁵ For more Information, see the program website at <http://www.helmetstohardhats.com/>.

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